

**MINUTES OF THE
CITY OF SANTA FE
PUBLIC WORKS/CIP & LAND USE COMMITTEE
Monday, September 8, 2003**

1. CALL TO ORDER

A meeting of the Public Works/CIP & Land Use Committee was called to order by Chair Heldmeyer at 5:15 p.m., on Monday, September 8, 2003, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. ROLL CALL

MEMBERS PRESENT:

Councilor Karen Heldmeyer, Chair
Councilor Miguel M. Chavez
Councilor David Pfeffer

MEMBERS EXCUSED:

Councilor Patti J. Bushee
Councilor David Coss

There was a quorum of the Committee in attendance.

OTHERS ATTENDING:

Councilor Matthew Ortiz
Mike Lujan, Director of Public Works
Therese Prada, Public Works Department
Robert Romero, City Engineer
Kathryn Raveling, Finance Department Director
Joe Abeyta, Project Manager, Water Budget Administrative Office
Jon Bulthuis, Planner Supervisor, Transit Division
Robin Elkin, MPO Supervisor Planner
Jody Ortiz, ADA Coordinator
Dan Ransom, Water Conservation Specialist
Cyrus Samii, Trails and Railyard Program Administrator
Martin Valdez, Community Facilities Manager
Melessia Helberg, Stenographer

1. APPROVAL OF AGENDA

Ms. Prada said packet Items #10 and #11 were reversed in the Committee packet.

Chair Heldmeyer asked if Item #15 could be moved to the top of the Discussion Agenda.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer, that the Agenda be amended to move Item #15 to the top of the Discussion Agenda, and that the Agenda as amended be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

1. **APPROVAL OF CONSENT AGENDA**

The Consent Agenda was approved as follows:

CONSENT AGENDA

9. *[Removed for discussion by Councilor Pfeffer]*

9. **REQUEST APPROVAL OF THE 2003 RECYCLED COLD MILLING PAVING PROGRAM; NEW MEXICO STATE PRICE AGREEMENT WITH KOCH MATERIALS COMPANY FOR THE PAVING OF MIDDLECOURT, INDIAN RIDGE, GENERAL SAFE, AND WEST ZIA, IN THE AMOUNT OF \$133,689.04. (ROBERT ROMERO)**

9. *[Removed for discussion by Councilor Chavez]*

All packet material for items on the Consent Agenda, are incorporated herewith to these minutes as Exhibit "1."

MOTION: It was moved by Councilor Pfeffer, seconded by Councilor Chavez, that the Consent Agenda, as amended, be approved.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

5. **APPROVAL OF MINUTES, AUGUST 26, 2003 PUBLIC WORKS COMMITTEE MEETING**

The following corrections were made to the minutes:

Page 4, Paragraph 8, line 1, correct as follows: "...and what is ~~happine~~ happening on..."

Page 16, Paragraph 8, line 2, correct as follows: "...Effluent ~~the~~ Line can..."

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer, that the minutes of the August 26, 2003, Public Works Committee Meeting be approved as corrected.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

INFORMATIONAL AGENDA

5. TOILET INSPECTIONS AND COMPLIANCE. (DAN RANSOM)

Memorandum dated September 2, 2003, to the Public Works Committee from Daniel Ransom, Water Conservation Specialist is incorporated herewith to these minutes as Exhibit "2."

Mr. Ransom said there are approximately 2,800 commercial accounts classified as businesses. 872 of these have been inspected or 31% as of August 29, 2003. Of the 872 accounts, 775 are compliant, 97 are not compliant. As of August 29, 2003, 319 businesses have been issued citations for non-compliance. The first citation for non-compliance under the new ordinance which went into effect today is \$80. The water user will have 60 days to retrofit and during that time no further citations will be issued. After that time, if they are still non-compliant the water will be discontinued.

Mr. Ransom said there are two inspectors in the field checking commercial business for compliance, as well as compliance of faucet, showerheads and bathroom signs.

Councilor Chavez asked if staff has done call-backs on the retrofits, saying if those are not installed correctly there could be leaks. Mr. Ransom said there is inspection for leaks when staff is on site, but staff does not necessarily go back to reinspect toilets for leaks.

Councilor Chavez said he has received a few calls from elderly residents who have large water bills and are told they may have a leak. They have to hire someone to check for leaks. He said if the leak is the result of something done incorrectly, he wants to be sure the plumbers return to correct their work and to be sure the toilet isn't leaking. Mr. Ransom said staff did follow recently up on a toilet leak and the plumber did honor its warranty.

Mr. Ransom said people with these kinds of problems can call his office at 955-4225, or call 955-6120 if it is a problem with a toilet installed under the WABO. Staff will follow up on these.

Councilor Chavez asked, regarding the commercial accounts, if some of the tenants are being cited for non-compliance instead of the property owner. Mr. Ransom said staff has

encountered problems between the tenant and the owner. Sometimes there is something in the lease which would make the tenant responsible for retrofitting. The citations are issued to the water account – whoever pays that bill.

Chair Heldmeyer announced that there are two items which members of the public thought was going to be discussed this evening which aren't on the agenda and were never anticipated to be on the agenda. These are: the CIP budget which will be heard at Finance next Monday, and the Plaza bandstand/stage which will be heard in about a month at a public hearing which will be advertised in the newspaper.

Councilor Chavez said there is a meeting tomorrow, 6:00 p.m. to 8:00 p.m., to discuss the Plaza renovation, excluding the bandstand. He asked interested persons to attend that meeting. Mr. Lujan said this is a public meeting to discuss the Plaza renovations at Sweeney Center tomorrow evening.

Councilor Pfeffer asked why the meeting tomorrow evening won't include the bandstand because most of the public would expect a discussion of Plaza improvements to specifically include this.

Ms. Griego said this public meeting is dedicated exclusively to the discussion of the proposed renovation of the Plaza landscaping and was requested by SHPO. These are basically separate projects – landscaping and the bandstand. There will be a public hearing devoted exclusively to the bandstand at a later time.

Councilor Pfeffer said the news ad just indicates "Plaza renovation." Ms. Griego said a press release went out this afternoon, and calls were made to the media to clarify that the meeting does not include a discussion of the bandstand.

Councilor Chavez pointed out that private funds have been raised for the bandstand.

Chair Heldmeyer asked that there be no specific discussion of the bandstand because this isn't on this evening's agenda. Councilor Pfeffer said it seems misleading and he hopes the public is sympathetic to the process. Chair Heldmeyer noted the comments and said there will be a public hearing on this issue in about a month.

5. WATER BUDGET ORDINANCE REVIEW UPDATE. (JOE ABEYTA)

Memorandum dated August 25, 2003, to the Public Works Committee from Joe Abeyta, Project Manager, Water Budget Administrative Office, is incorporated herewith to these minutes as Exhibit "3."

Councilor Chavez said he was called by a constituent who was directed to do 12 retrofits and was told he could do commercial. However, because the commercial business had received a citation, those retrofits were not credited. He said staff needs to send a clear message when going through the administrative process – whether or not the City will accept a commercial retrofit.

Mr. Abeyta said when a customer comes into the office to sign up, the customer is given a thorough breakdown of what is and is not an eligible retrofit. Customers are required to submit the names in advance for approval. Staff can't control the situation where the applicant goes for a better deal with someone not approved by WABO and doesn't return for approval for the change.

Chair Heldmeyer pointed out that the law changed, and as of today, the administrative decision which was made to disallow retrofits when people have been cited has been over-ridden by the change in this law passed by the Council. She believes the intent of that law was to override the administrative decision made by WABO and the City Manager to exclude people who have been cited from the retrofit program.

Chair Heldmeyer suggested Mr. Abeyta discuss this situation with the City Manager tomorrow, because she believes the intent of the law over-rides that administrative decision.

Mr. Abeyta asked Councilor Chavez what staff can do to take care of this situation. Councilor Chavez said he doesn't want to get in the middle, and to tell WABO how to manage its office. However, it seems that the process isn't understood or hasn't been explained well enough.

Mr. Abeyta, for clarification, said then any commercial businesses which have been cited are given 60 days to retrofit their toilets and they should be accepted for retrofit credit. Chair Heldmeyer said this is correct.

Mr. Abeyta said staff is in the process of finalizing the procedural remedies in the administrative regulations, hopefully in time to be handed-out at the next Council Meeting.

Councilor Ortiz said he understands the changes to the ordinance as well as the regulations will be introduced at the Council Meeting on Wednesday, which means the Council would go to title and general summary on September 25th, then through the Committee process and with a public hearing on adopting the changes at the last Council meeting in October. He has asked staff to provide the written changes to him for review prior to the Council meeting.

Councilor Ortiz understands the changes to be proposed by staff are stylistic and procedural changes. He isn't introducing any substantive changes, and the only substantive

changes are in the Resolution being prepared by Councilor Bushee.

Councilor Ortiz said the constituency complaints he has received as a result of the Water Budget Ordinance, or administration of that Ordinance, have been passed along to WABO and were handled with speed, expeditiousness and concern to constituents who called him. He said Joe, Stephanie and staff are doing a wonderful job, he supports them and they are doing the kind of work that should be applauded.

Chair Heldmeyer said staff does a great job, but have experienced an inability to deal differently with problems because of the limitations of the law or the administrative procedures. She said the drafting staff would like any changes to the ordinance or administrative procedures be submitted to staff at this time so that things come in at the same time.

Mr. Abeyta clarified that staff isn't looking to make changes to the ordinance, but to the administrative procedures.

Councilor Pfeffer said the memo says that, "...review of the annual water budget ordinance and procedure would be at least annually at the first Wednesday in March." However, he distinctly remembers the Council changed that date to the last Council Meeting in February when it adopted the ordinance, specifically to avoid a new Council coming on board and having this to deal with at its first meeting. He suggested this might be a typographical error.

5. MAJOR BUILDING/PARK PROJECT SCOPE AND BUDGET SUMMARIES. (MARTIN VALDEZ)

Memorandum dated September 8, 2003, with attachments, to the Public Works, CIP and Land Use Committee, from Martin A. Valdez, Community Facilities Manager, is incorporated herewith to these minutes as Exhibit "4."

Chair Heldmeyer said this is done at her request, and this isn't exactly what she requested. She wanted a picture of how City projects work. What they start out as, what they end up as, in terms of either additions made to projects over time, change orders made to projects over time. She asked Mr. Valdez to speak to the question, rather than what is in the packet. She asked Mr. Valdez to give a brief overview of the amount of change orders average – change orders due to additions to the projects, and those that just arise.

Mr. Valdez said he doesn't have that figure in exact percentage because every project differs. For example, the MRC was 10-12 projects within one project. There was an engineer's estimate of \$850,000 for the Effluent Reuse System. That project came in at \$671,000, but it didn't include the pumphouse associated with the pump station because that particular pump station was designed to withstand the elements, so a pump house was added to that project. So that was a change order that added value to the project. Another was the County Road 62 where the project engineer's estimate was \$169,000, the project came in at \$161,000. There was a

\$7,000 change order that increased the amount of base course that was used because the contractor's quantities differed from the engineer's estimate. The MRC included the 27 hole golf course, the sports building, the cart storage building, the VMX course – the initial bid came in at \$7.9 million and \$2 million was added in change orders. Those were all change orders that were bid out separately. The cart storage building, the parking lot construction, the sports lighting was added. The project was presented for funding without the sports lighting.

Chair Heldmeyer understood that there were things in the original design, which were deleted because of cost, and then within a very short period of time after the project was finished staff came back and said these are things we have to have.

Chair Heldmeyer said then the MRC has been funded 22% over the original building budget, and there are still things which were left out which are requested from time to time such as the phase 2 bathrooms.

Mr. Valdez said when the project was presented for funding a list was provided which contained what would be a minimum project and what would be a complete project. That was the basis for the \$13.2 million bond sale which was later increased by \$1 million to compensate for the lighting which wasn't included as part of the original project. Every project on that list has been completed with the exception of the tennis courts which weren't constructed because there was a 5 year limit in which to complete the improvements in order to obtain a patent from BLM. To secure the entire 1,260 acres, a decision was made to construct pedestrian/equestrian trails which would encompass the undeveloped portions of the MRC site. In addition to the projects listed, it was possible to build an additional maintenance building because of the distance between the golf course and the sports complex. He said construction of the permanent restrooms is being done with some of the remaining balances, and it was possible to add site lighting at the golf course and the parking lot, the ball field lighting, and the concrete cart paths which weren't part of the original bid. The parking lot access road paving was funded through a loan from the Parking Enterprise Fund. A rugby facility was build with state funds.

Mr. Valdez said there is still a balance of \$77,000 which is also being used for restroom space and any other odds and ends that might arise.

Chair Heldmeyer said she really expected a timeline, and how much the Council thought it would cost initially, and then over time what was added to that cost by change orders, or as at the Chavez Center, additions that were made by the Council. She would like Mr. Valdez to do this kind of analysis for two of the very large projects. She wants to know if costs "get away from us," and if so what causes them to do that. The Public Works Committee wants this question answered. As money gets tight as it is now, one way to make money go further is to ensure that we have proper controls.

Councilor Pfeffer said he doesn't know how, using these figures, one can say, "cost over-runs," or "out of control." What he sees at the MRC are specific figures attached to specific

expenditures. With regard to the Chavez Center, there is a break-down of initial project estimate and Council approvals of inclusions of expansion of the scope after award of the construction contract. He also sees field condition related change orders, and a line item for design error and omission related change orders. He said it seems that the cost over-runs are coming from the owner, the Governing Body, which decided to expand the scope of the project. He said “out of control” things might be field condition related change orders or design error and omission change orders. In those cases there is, or should be, on each project a good chunk of money intended for such contingencies that is built into the project funding from the beginning. He doesn’t think a case could be made that on this specific project we thought we were going to spend one amount, but then we all got surprised and we spent this amount. It isn’t a surprise when someone adds something to the scope of a project. Projects have a tendency to increase in cost, but those increases, with a certain amount of self-discipline by the Council, should be well within a controllable amount and be planned in advance.

Chair Heldmeyer agrees. Those are the two areas where there have been increases and she believes that a detail of those for a couple of projects would be very useful. There should be contingencies for errors and omissions, but in some instances no one anticipated the size of the mistakes made by the contractor and the contingency wasn’t enough to cover some of the problems we experienced. We need to be sure we have adequate supervision for the things that do happen during construction.

Mr. Valdez said the MRC and Genoveva Chavez projects were unique in that changes were evolving while the project was under design. The other projects listed are more typical CIP projects where the budget is set at the onset, the architect is instructed to design toward the maximum allowable construction cost.

Chair Heldmeyer asked Mr. Valdez to choose a typical project and an expensive atypical project and provide a timeline of costs and change orders for those projects.

ITEMS REMOVED FOR DISCUSSION FROM THE CONSENT AGENDA

Councilor Chavez said he needs to pull Item 12 from the Consent Agenda which deals with the bark beetle.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer, that the approval of the Consent Agenda be reconsidered and that Item 12 be pulled from the Consent Agenda.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

5. REQUEST APPROVAL OF A RESOLUTION SUPPORTING GOVERNOR BILL RICHARDSON’S EFFORTS TO ESTABLISH A RAIL LINK BETWEEN

ALBUQUERQUE AND SANTA FE. (COUNCILOR PFEFFER)

Proposed Resolution Supporting Governor Bill Richardson's Efforts to Establish a Rail Link Between Albuquerque and Santa Fe, is incorporated herewith to these minutes as Exhibit "5."

Councilor Pfeffer said the Governor is intent on expending funds to explore the possibility of a commuter line between Santa Fe and Albuquerque. He said there is a potential to reduce daily vehicular traffic, reduce smog, reduce pollution, reduce wear and tear on the roads and also increase support for a local bus system to transport commuters into Santa Fe once they get off the train. He said this is a good idea.

MOTION: It was moved by Councilor Pfeffer, seconded by Councilor Chavez that the Committee approve the request.

DISCUSSION: Chair Heldmeyer pointed out that the cost is \$200 million, saying she appreciates the Governor's \$2 million and this is worth exploring.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

12 REQUEST APPROVAL OF A RESOLUTION TO EXPEDITE THE PLANNING AND IMPLEMENTATION OF THE CITY'S RESPONSE TO THE BARK BEETLE INFESTATION. (COUNCILORS ROBERTSON LOPEZ, HELDMEYER, WURZBURGER AND ORTIZ)

Proposed Resolution to Expedite the Planning and Implementation of the City's Response to the Bark Beetle Infestation, is incorporated herewith to these minutes as Exhibit "6."

City of Santa Fe Fiscal Impact Report No. 875, is incorporated herewith to these minutes as Exhibit "6(A)."

Councilor Chavez said the City will be focusing on 3,000 acres of City land and 500 acres at the MRC, and then 26 miles of developed trails and other parcels of land which have been significantly impacted by the bark beetle. He said the Fiscal Impact Report was completed by the Fire Department, but directs the Fire Department, Parks & Recreation Department, Planning & Land Use Department, Sangre de Cristo Water Division and other appropriate departments to explore interim and long term approaches. If all of those departments are to be impacted, that should be reflected in the Impact Report. He asked for that information by the time the Resolution is heard by Finance.

Mr. Fabian Chavez said he met with Shelly Nolde about this last week, and before there can be a Fiscal Impact Report a task group needs to be formed. Ms. Nolde is aware that multiple players must be involved in planning this mitigation effort.

Councilor Chavez asked what we will be doing with the green waste, commenting that much is going to the transfer station and we need to stop that now.

Mr. Lujan said a few things were done to influence where the green waste goes, noting the tonnages have increased by 38% at the transfer station. He said the City needs to coordinate jointly with the County team. This problem is impacting the regional landfill and the transfer station.

Responding to Councilor Chavez, Mr. Chavez said he contacted the forest service who has made an over-flight over the outskirts of Santa Fe last week. He will be meeting with forestry tomorrow to look at the maps. If those are not correct, he and the pilot will re-fly Santa Fe next week to get what is needed.

Councilor Chavez asked if we can stop accepting green waste at the landfills. Mr. Lujan said this can be done, but the bigger issue is the landfill space and keeping up with the mulching operation at the regional landfill.

Chair Heldmeyer said Jodie Gonzales is interested in hiring temporary help at Caja to deal with the level of green waste, and that will be discussed at the October 1st meeting of the SWMA Board. She asked Mr. Lujan to get back to Councilor Chavez with an idea of what can be done to divert or stop green wastes from going to the transfer station – is this an administrative decision, or something the Council needs to do. Mr. Lujan said he will do this.

Councilor Chavez asked about identifying funds to grind the slash and save the calipers that can be burned, saying Ms. Gonzales seems to be open to this. He would like to identify funds within SWMA to do this. Mr. Chavez said staff will look at all options including where we take care of the waste.

Mr. Chavez said when green waste goes to the transfer station it is dropped and eventually goes to the landfill where there is no ability to unload the waste to be chipped and ground and it gets buried. None of this should go to the landfill.

Councilor Chavez would like to develop a program for fuel wood. Mr. Chavez said staff is working on that component right now.

Councilor Chavez said he is concerned that the Resolution provides that we will be removing trees on City owned land and private land through a collaborative effort. He is concerned about the legal aspect of how we deal with private property. Mr. Chavez said it isn't staff intention to get into the "firewood business." Ruidoso hires a private contractor and the citizens can take the cuttings to the curb for an added surcharge to the garbage fees each month.

Chair Heldmeyer said although the Resolution provides that the City will "prepare and implement a plan for removal," it doesn't provide that the City will do the removal. She suggested a slight wording change to the Resolution as it goes through the Committee process

might clarify this.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer, that the Resolution be approved with the amendments as discussed.

DISCUSSION: Councilor Chavez will work with Mr. Chavez and the task force to develop amendments to the Resolution.

Chair Heldmeyer said this can go forward to the Finance Committee at its next meeting and the amendment could be handed out at the meeting.

Councilor Pfeffer said he has been receiving calls from constituents who have cleared infested trees and dead wood from their property but who are adjacent to other property which hasn't been cleared, and are concerned they might lose more trees. He supports the Resolution as an effort to determine what we are going to do as a community.

Councilor Pfeffer asked if this can be recycled as mulch. Mr. Chavez said it can be recycled as mulch. He inspected 5 of the 7 piles at the landfill. The material which has sat over one winter contains no live beetles or larvae. There are live active beetles in the piles which were mulched this summer. He said we will need to "watch dog" any stockpiles to ensure that the beetle isn't transferred out. The beetle only lives and feeds on live, living material, so it only has to be held for a short amount of time. There is a minimal chance of spreading the beetle. He said the beetles don't fly well and are non-directional if they don't pick up a scent from weak trees or pheromone scent from other beetles.

Councilor Pfeffer said then the mulch could be used given proper handling and a period of time for the beetles to die. Mr. Chavez said this is correct. Mr. Chavez said people chipping the trees right now, to prevent spread of beetles, should blow the mulch into a pile and solarize the pile.

Chair Heldmeyer said she and Councilor Bushee, in response to constituency calls, met with Mr. Chavez and Ms. Nolde, to look into the possibility for people to cut dead and dying trees. They were told that the beetle is so widespread and erratic in its movements that someone who doesn't cut down their trees may or may not cause a problem to their neighbors. They were also told that the fire danger from dead trees is primarily in the first year after the tree dies.

Mr. Chavez said he understands in conversations with experts in New Mexico and Arizona, that the "vote is still out" with regard to fire danger. Piñons aren't like some other fir trees, and lose their resin rapidly and as soon as the needles fall, the fire danger drops significantly. However, trees which are very tall and canopied close together in a canyon and there are winds, then the winds "trumps" everything.

Chair Heldmeyer said this is why there will be emphasis on trees which have died in the waterways, and the arroyos because that is the most dangers.

Councilor Chavez said everyone is responding to the situation in different ways, and people have told him that they are going to save their trees and will water their trees not only on watering days, even if they are reported. Experts have told these people that by watering the trees they can be saved. He asked how we can send a message that once the tree is infested that watering doesn't help.

Mr. Chavez said it is primarily the water from winter snowpacks that assists piñons, primarily because of the topography, while the water from summer rains rolls out or is dried-out by the sun. He said a very cheap soaker hose circled around the trees desired to be saved could be effective. He said once the bark beetles target a tree which is completely hydrated they will take that tree down because of the sheer numbers right now. Once infected, there is nothing that can be done to save a tree.

Mr. Chavez said one of the things discussed is continued education by the City with regard to its response.

Councilor Pfeffer said one way to send a consistent message about drought and bark beetle could be through the water budget in December, so people can do something about trees in deciding how to allocate their water resources.

Chair Heldmeyer said a person could save a few important trees which are not yet infected. She said there will be recommendations coming from the task force.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Chavez, that the Agenda be amended to hear Items #19 and #20 after hearing Item #15.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

DISCUSSION AGENDA

15. REQUEST APPROVAL OF A RESOLUTION COMMITTING \$150,000 FROM LODGERS TAX FUND FOR IMPROVEMENTS TO THE SANTA FE PLAZA AND DIRECTING STAFF TO MAKE RECOMMENDATIONS REGARDING THE USE OF LODGERS TAX FUNDS FOR CONTINUED AND INCREASED MAINTENANCE OF THE PLAZA. (COUNCILORS ORTIZ, HELDMEYER, COSS & WURZBURGER)

Proposed Resolution Committing \$150,000 from the Lodger's Tax Fund for Improvements to the Santa Fe Plaza and Directing Staff to Make Recommendations Regarding the Use of Lodger's Tax Funds for Continued and Increased Maintenance of the Plaza, with

attachments, is incorporated herewith to these minutes as Exhibit “7.”

Proposed Amendments to the Resolution are incorporated herewith to these minutes as Exhibit “7(A).”

Councilor Ortiz said the Resolution talks about the Plaza as a source point for our visitor industry which is crucial and essential to Santa Fe’s economy. He said he has no opinion on the proposed improvements to the Plaza, nor does this Resolution speak to those. However, when those improvements are made the funds to be used for maintenance should come from the Lodger’s Tax thus freeing general fund and/or CIP project funding for other City projects and needs.

Councilor Pfeffer asked how this will impact the CIP budget discussions where staff has recommended as much as \$500,000 toward Plaza improvements. Councilor Ortiz said, if passed, the allocation would begin at \$150,000, and would have only good impact on CIP discussions. The issue is to have those places frequented by tourism and improvements thereof funded by Lodger’s Tax dollars, perhaps those within ½ to 1 mile radius of the Plaza.

Councilor Pfeffer asked Councilor Ortiz if he sees a connection between how portions of the Lodger’s Tax is spent. Councilor Ortiz said this is something that is worthy of further inquiry, and this is a justifiable expenditure for improving places frequented by tourists. He said any other ways Lodger’s Tax funds can be used to free more funds from the General Fund or CIP can only help those funds.

Councilor Pfeffer said if the Council decides to proceed with a new civic center, the operating budget for that facility would be considerable, and \$150,000 would be a significant chunk of that operating budget. He asked if there is a possibility that we are over-allocating funds from the Lodger’s Tax. He asked Councilor Ortiz if he would be amenable to look at this in the context of an over-all discussion of what is done with Lodgers Tax funds.

Councilor Ortiz said that discussion needs to happen. He said it makes sense that the Lodger’s Tax should fund improvements on the Plaza which is frequented by tourists.

Councilor Chavez referred to his proposed amendments, and asked Councilor Ortiz if he is clear on those amendments. Councilor Ortiz said that he is clear.

Councilor Chavez agrees with Councilor Ortiz in principle and concept that this is a perfect use of Lodger’s Tax funds and discussions on eligible uses have been discussed. However, like Councilor Pfeffer, he has mixed feelings with regard to the use of Lodger’s Tax if the new convention center is approved. In that case, all future Lodger’s Taxes generated would be needed to pay for that project, and this will be competing with that project. On the other hand, it makes sense to allocate Lodger’s Tax for short term improvements and to maintain the Plaza for our residents. This is the heart of the City and where we congregate.

Councilor Chavez said his amendments speak to the long term maintenance of the Plaza. The first amendment requests additional funds annually from Lodger's Tax for improvements and increased maintenance based on the adoption of a Plaza improvement plan by the Governing Body. The second amendment speaks to the proposed permanent bandstand for the Plaza. He said there is an original proposal which has been funded by foundations and private businesses. A member of the OTAB Board and a Councilor have suggested that those plans are inadequate. The City Manager has directed the architect designing the permanent bandstand to expand the scope of services by attaching some sort of "wings" to be set-up next to the stage on a temporary basis because we can't have something larger on a permanent basis. He doesn't know that the private citizens committee will be willing to continue its fundraising to pay for those additional amenities. He said if the City needs to fund those amenities, he is suggesting those be paid from the Lodger's Tax.

Councilor Chavez asked Councilor Ortiz if he is amenable to the these amendments to the Resolution.

Councilor Ortiz is in general agreement with the underlying principle of both paragraphs. However, his concern is how the City is going to prioritize and use its Lodger's Tax Fund on an annual basis. He is concerned about the specific issue of improving the Plaza and how to fund that discrete problem. He does have a problem with the language in Section 2, in the event the annual allocation out-strips the budget for Sweeney, for example, although he knows that isn't being proposed. He reiterated that his Resolution was to resolve a discrete problem with a discrete amount of money coming from a discrete source, as opposed to Councilor Chavez's proposal for annual commitment in addition to that proposed in the Resolution.

Councilor Chavez said the discrete problem is an ongoing problem, and if we maintain the Plaza we need to do it daily. Councilor Ortiz agrees, and said we could also create a police sub-station funded directly out of the Lodger's Tax as well as a number of different programs.

Councilor Chavez believes the City should fund the Plaza and other City parks.

Councilor Ortiz said because the Plaza is the center of town it can be supported with Lodger's Tax. Councilor Chavez said not everyone shares that same idea, that the Plaza is the center of town and that is open to debate. Councilor Ortiz disagrees.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer [for purposes of discussion] to approve the proposed amendments and the Resolution proposed by Councilor Ortiz..

DISCUSSION: Councilor Pfeffer expressed a problem in being able to match the proposed amendments with the Resolution.

Ms. Price clarified that the amendment was to strike lines 17 and 18 on Page 2, and to add new Sections 3 and 4.

Councilor Pfeffer said the language in the original resolution directed staff to look at increasing maintenance of the Plaza through Lodger's Tax and to report those ideas to the Committee. He believes it is premature to allocate an annual appropriation from Lodger's Tax to Plaza maintenance, not because it isn't deserved, but because it would be allocating Lodger's Tax funds without looking at how much money there is to allocate, and the other demands on these funds which are also appropriate.

Councilor Pfeffer has a problem with the language in Section 2, "If necessary additional funds shall also be allocated from the Lodger's Tax Fund in order to allow for temporary expansion and elevation of the plaza stage currently being designed." This implies acceptance or approval by this Committee, and ultimately by the Governing Body, of the Plaza stage currently being designed. He said there has never been a public hearing on the stage, it hasn't been before this Committee and there has been no public comment in the context of an action by the Governing Body. He said the Chair has promised that there will be a public hearing at this Committee in the context of letting a context for its construction. Chair Heldmeyer said this is correct.

Councilor Pfeffer said the first "shot" the public will have on the stage will be on the letting of the contract to make that major change, and yet we are voting to spend Lodger's Tax funds and this issue hasn't been before the Council.

Councilor Pfeffer stated he could vote favorably on the original Resolution without the amendments, but he doesn't see how we can justify an amendment which funds something we've never discussed.

Councilor Chavez said it has been discussed and this is the reason the City Manager has directed the architect to expand the scope of the project. If accepted as proposed, following SHPO guidelines, and based on the opinions of some, it will be inadequate. So if we have to expand that, somebody has to pay for that.

Councilor Pfeffer said the amendment provides that Lodger's Tax funds should be spent for "...temporary expansion and elevation of the plaza stage currently being designed." He said the plaza stage, if built as currently designed, could not be used.

Chair Heldmeyer reminded the Committee that this isn't a public hearing on the stage and asked that the remarks be addressed appropriately.

FRIENDLY AMENDMENT: Chair Heldmeyer asked Councilor Chavez if he is interested in making an amendment to Section 4 to provide that, "If necessary, additional funds shall also be allocated from the Lodger's Tax Fund in order to pay for construction of approved structures on the plaza ~~to allow for temporary expansion and elevation of the plaza stage currently being designed.~~" This would avoid addressing the initial size and if it will be larger or smaller. **The amendment was friendly to the maker, but not to the Second.**

Councilor Chavez said he doesn't want the City to bear additional costs and the Lodger's Tax is

the logical source of these funds.

MOTION TO AMEND: It was moved by Chair Heldmeyer, seconded by Councilor Chavez, that Section 4 be amended as follows: If necessary, additional funds shall also be allocated from the Lodger's Tax Fund in order to pay for construction of approved structures on the plaza ~~to allow for temporary expansion and elevation of the plaza stage currently being designed.~~"

VOTE: Those voting aye: Councilor Chavez
Those voting nay: Councilor Pfeffer

The result was a tie vote, the Chair voted aye, and the motion was passed.

VOTE ON THE MAIN MOTION AS AMENDED: Those voting aye: Councilor Chavez
Those voting nay: Councilor Pfeffer

The result was a tie vote, the Chair voted aye, and the motion was passed.

19. REQUEST APPROVAL OF CERTAIN PROVISIONS IN THE LAND LEASE AGREEMENT BETWEEN THE SANTA FE RAILYARD COMMUNITY CORPORATION AND SITE SANTA FE. (CYRUS SAMII)

Memorandum dated September 2, 2003, with attachments, to the Public Works Committee, Cyrus Samii, Trails and Railyard Program Administrator, is incorporated herewith to these minutes as Exhibit "8."

Chair Heldmeyer asked Mr. Samii to combine his presentation for Items #19 and #20.

Mr. Samii said Items #19 and #20 are inter-related. He said the sale of the building was a commitment which was made by the City through the financial plan, and which continued in the Lease and Management Agreement with the Railyard Corporation. The sale price is \$750,000 as determined through the financial planning and appraisal processes. Staff is requesting approval of the sale of the building to Site Santa Fe, the proceeds of which will go to the Railyard Corporation based on the agreement between the City and the Corporation.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer [for purposes of discussion], that the request for the approval of certain provisions in the Land Lease Agreement between the Santa Fe Railyard Community Corporation and Site Santa Fe.

DISCUSSION: Councilor Pfeffer asked if the Lease Agreement contains any provisions for sale of either land or building.

Mr. Samii said the lease is contingent on the approval of the sale of the building. Councilor Pfeffer said then this isn't a lease to own. Mr. Samii said this is correct.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

19. REQUEST APPROVAL OF SALE AGREEMENT FOR THE SITE SANTA FE BUILDING. (CYRUS SAMII)

Memorandum dated September 2, 2003, with attachments, to the Public Works Committee from Cyrus Samii, Trails and Railyard Program Administrator, is incorporated herewith to these minutes as Exhibit "9."

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer [for purposes of discussion].

Responding to Councilor Pfeffer, Mr. Samii said in discussions over a number of years the sale of the building was identified as an integral part of the management of the Railyard, and \$750,000 in sales proceeds were projected in the financials. He said the negotiation process has been completed, and a contract has been developed which has been agreed to by all the parties. He said there is a provision in the Railyard Lease-Management Agreement which stipulates that the City will give the proceeds of the sale of the building of Site Santa Fe to the Railyard Corporation. This has been continually documented and emphasized in discussion with the Railyard Corporation and with Site Santa Fe.

Mr. Steve Robinson, President of the Railyard Community Corporation, said the Corporation has a contract with the City to implement the Railyard master plan approved by the City Council.

Councilor Pfeffer cited from the memorandum, "The proposed sale price of \$750,000 represents a discount of \$410,000 from the appraisal in recognition of the value of the building improvements which Site has made since 1996 in bringing the building up to its current condition, and which have increased the value of the building." He asked the value of the building. Mr. Samii said he spoke with Steve Brugger, and this reflects an appraisal of \$1.16 million. The \$410,000 was the construction investment made by Site Santa Fe during the lease.

Councilor Pfeffer asked if the terms of the City lease, during the period during which the \$410,000 improvements were made, convey ownership of the improvements to the City. Mr. Samii said, for example with the Morelli Building discussions, there was always an incentive for tenants to make improvements that would be applied against lease payments.

Councilor Pfeffer asked if the level of the lease payments reflect the \$410,000 worth of improvements. Mr. Samii didn't know. Mr. Robinson understands that it did not.

Councilor Pfeffer asked if the City established lease payments based on a value based on those improvements being done, or those improvements not being there. Has there already been a credit given. Mr. John Silver said credit was not given to Site Santa Fe for adding

improvements to the building, so there was no discounted rate for improving the building.

Councilor Pfeffer said he wants to know the value of the building to the City. He asked whether or not improvements, which were made by Site Santa Fe to the building during the term of the lease in which the improvements were made, belong to the City. Mr. Silver said they belong to the City.

Councilor Pfeffer asked if the City owns the improvements to the building. Mr. Silver said they do.

MOTION: It was moved by Councilor Pfeffer that this item be postponed for the following reason: that we direct the Finance Department and City Legal to take a closer look at the conditions of the original lease, and the specific value to the City at this time, rather than moving forward as is.

MOTION DIED FOR A LACK OF A SECOND.

Responding to an invitation by the Chair to address the issue, Ms. Raveling declined to answer questions because no one at the meeting has a copy of the lease and she thinks this needs to be examined by the City attorney.

MOTION: It was moved by Councilor Chavez, seconded by the Chair, to approve the request and that any legal questions be answered prior to sending this to Finance.

DISCUSSION: Councilor Chavez said if these questions aren't answered by the time it gets to Finance, then it can be postponed.

Mr. Samii said the Lease Agreement with Site Santa Fe was based on the square footage and the rates that we apply to non-profits at the Railyard and did not take into account any discount or improvements that were being made to the property.

Councilor Pfeffer said this has to do with the lease. During the lease the City retained possession, now we are talking about sale which is a "horse of a different color." He also believes that the City, at a time when so many issues are financial, needs to take a harder look at these kinds of things before something is advanced.

Chair Heldmeyer said this has been a long process and the lease as approved anticipated sale, and the anticipated sales proceeds were anticipated in the financial plan to go to the Railyard Corp. She agreed that any questions need to be addressed during the interim between now and the Finance Committee.

Councilor Pfeffer said if the Chair is saying that the lease always considered sale, does that answer the question he asked on the lease – whether or not it was a lease to own.

Chair Heldmeyer said it was not a lease to own. However, in the context of the negotiations it was always anticipated that Site Santa Fe might want to buy the building. The anticipation was, during the discussions over many years, that the worth of the building, considering the improvements made by Site, would be \$750,000 and that was the figure which was placed in the financials.

Mr. Samii said negotiations have now been completed by the Railyard Corporation based on the numbers projected by the City in its revenue forecasting and which were included in the financials which was \$750,000. He said staff is willing to examine the previous lease and current lease with Site Santa Fe to address the issues and concerns raised by Councilor Pfeffer.

Chair Heldmeyer said part of the holdup was the discussion about whether the City would sell the building prior to the Railyard Corp assuming management, or to wait and the reason the \$750,000 is worded as it is in the financial plan. It was agreed that whether the City sold the building or the Railyard Corp sold the building those funds would go to the Railyard Corp, and either way the selling price would be at \$750,000.

Councilor Pfeffer asked if that figure was determined years ago. Councilor Chavez said it was. Councilor Pfeffer said then this does not represent a current evaluation of the worth of the building with or without improvements. Mr. Samii said that figure is 2-3 years old.

Councilor Pfeffer said then the \$750,000 won't remain with the City, but will go to the Railyard Corporation. Chair Heldmeyer said this is clear in the contract.

Councilor Pfeffer said there is too much information not contained in the packet, and he is concerned that the Finance Department Director said legal should look at this issue. Councilor Pfeffer said the whole Railyard has taken years and years, and he doesn't understand why time becomes an issue today.

CLARIFICATION OF THE VOTE: Chair Heldmeyer said the Committee is voting on approval of the sale agreement for the Site Santa Fe Building with the amendment that the questions raised by Councilor Pfeffer will be answered prior to the Finance Committee meeting.

VOTE: Those voting aye: Councilor Chavez
 Those voting nay: Councilor Pfeffer

The resulting vote was a tie. The Chair voted "aye," and the motion passed.

THERE WAS A SHORT BREAK AT THIS TIME

13. SANTA FE TRAILS ADA BUS STOP ASSESSMENT. (JON BULTHUIS, JODY ORTIZ)

Memorandum dated August 29, 2003, with attachments, to the Public Works Committee from Jon Bulthuis, Planner Supervisor and Jody Ortiz, ADA Coordinator, is incorporated herewith to these minutes as Exhibit "10."

Mr. Bulthuis said in May, the Council passed a Resolution directing staff to review the Santa Fe fixed route bus stops. Since that time, Mr. Ortiz did a field review and 299 of the 417 stops are non-ADA compliant. Work has begun on 29 of the shelters to bring them into compliance. He said there are varying needs in terms of improvements for the 299 shelters. The cost estimate for the entire project is about \$100,000. There is a budget of \$60,000 currently which was made available through the Resolution. More funds will be needed if the cost estimates are realized in a bid package. Staff is requesting that the Committee take several steps to move the project forward:

- ② Direct CIP staff to develop a bid package with specific site design that can be costed by a contractor.
- ② Increase the project budget to \$120,000.
- ② Direct that a study be done to address ADA issues beyond the immediate vicinity of bus stops.

Councilor Chavez said some of the bus stops are in the County, and he understands the County is doing little cost sharing in public transportation. Mr. Bulthuis said the County has been willing to cost share costs only in the paratransit program.

Councilor Chavez said there are locations in the County where the City needs to do improvements and the funds aren't available, and we need to look to the County to share in those costs. Mr. Lujan said he will follow up with the County to explore the possibility.

Chair Heldmeyer said the County could use Indigent Fund money and sole source provider money which has been used previously to install, for example, street signs in the County.

Councilor Chavez said the costs are \$3,000 for one location and \$875 for another which isn't a great deal of money, but the costs keep increasing. The City continues to provide services without cost sharing by the County.

Chair Heldmeyer said there is currently \$60,000 from CVB funds to Transit, and there is a request for an additional \$60,000. Mr. Bulthuis said the Resolution passed previously immediately allocated \$60,000 beginning this fiscal year and that at mid-year an additional \$60,000 could be allocated depending on mid-year financials and if the funding is needed. He explained that there was \$120,000 allowed in the Resolution and \$60,000 has been allocated so far.

Chair Heldmeyer said then what is needed is \$100,000 which would leave a balance of \$20,000 which would then be applied to installing and purchasing new, accessible shelters. Mr. Bulthuis said this is correct.

Chair Heldmeyer said then all of the new shelters along Cerrillos Road are ADA accessible. Mr. Bulthuis said this is correct, and the benches are being set for installation.

Chair Heldmeyer said there is an allocation of \$300,000 for ADA which would be left to the discretion of the Mayor's Committee to discuss allocating needs. She asked Mr. Bulthuis if he would be consulting with that Committee about the best use of the \$22,000. Mr. Bulthuis said staff can consult with the Mayor's Committee, noting staff is working with the Transit Advisory Board to develop a policy for passenger amenities throughout the system and to locate those new shelters where the demand is highest. Chair Heldmeyer said the funds will be used quickly if it is necessary to acquire rights-of-way. Mr. Bulthuis said those haven't been addressed. The field review was done to develop a general cost estimate to bring the system into compliance.

Chair Heldmeyer asked the cost to hire someone to look at the right-of-way issue. Mr. Bulthuis doesn't know that cost, and it is planned to assign that task to the CIP group after discussions with the Public Works Director and the City Engineer.

Chair Heldmeyer asked Mr. Lujan if there is staff to do this. Mr. Lujan said whether or not there is staff is a "question mark."

Chair Heldmeyer asked if there is information in the computer, or if this would need to be done on a case-by-case basis. Mr. Bulthuis said there needs to be further review. He doesn't know whether or not rights-of-way will need to be purchased, and said this information isn't available through any system to his knowledge.

Chair Heldmeyer said staff is asking for approval without the specific associated costs. Staff is also requesting an additional \$60,000 from CVB to complete the high priority changes including an accessibility study beyond the bus stops to look at sidewalks, curbs, etc., which is also very expensive. She asked that cost. Mr. Bulthuis said the requested action is to provide an overview to this Committee and the Council, and said this study does not address ADA deficiency issues throughout the City.

Councilor Pfeffer asked why all the bus stops look differently. Mr. Bulthuis said it is because of the different people who have worked in that project area during the life of the transit system, and making different decisions about facilities which were appropriate to be installed at that time. Councilor Pfeffer asked if we can adopt a standard for the bus stops.

Chair Heldmeyer said there is a difference between the bus stops which were artistic and paid from the 1% for the arts, and the more everyday kind of bus stop.

Chair Heldmeyer said there are three actions requested. Councilor Chavez would like to add a fourth which to consult with County staff to see how they can assist the City to meet the ADA requirements for both City and County residents.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer that the request be approved and that City staff consult with County staff to see how it can assist the City to meet the ADA requirements for both City and County residents

FRIENDLY AMENDMENT: Chair Heldmeyer would like the Committee to indicate, on Items #1 and #3, that these need to be done in the future, but before approved that Staff must return with more specific information about costs. **The motion was friendly to the Maker and Second.**

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

14. REQUEST APPROVAL OF A RESOLUTION ADOPTING PROCEDURES FOR THE RECYCLED ASPHALT PAVING PROGRAM. (ROBERT ROMERO)

Proposed Resolution Adopting Procedures for the Recycled Asphalt Paving Program, with attachments, is incorporated herewith to these minutes as Exhibit "11."

Chair Heldmeyer said a Resolution was adopted for the paving of unpaved streets, but it was unclear as to whether that applied to the use of recycled asphalt and the Recycled Asphalt Paving program. This Resolution is being brought forth to clarify this issue. She is the sponsor of the Resolution. Councilor Chavez asked to co-sponsor the Resolution.

Mr. Romero said there have been recent meetings with residents of General Sage and East Zia, and there will be future meetings in the Northeast area. Concerns about traffic calming have been raised. He said this adds cost to the project, and he is unsure whether the Council wants to pay for traffic calming out of these funds, pay 2/3 with these funds, ask the residents to pay for all the traffic calming, or ask them to get in line with everyone else for traffic calming.

Chair Heldmeyer said the request is often conditioned on traffic calming which means jumping one neighborhood over another which she doesn't favor. However, there is a policy that on new streets the developers are being asked to install traffic calming. The way to combine those policies, and her preference, is that if the neighborhood wants speed humps or speed tables that the neighborhood bear a portion of the cost, presuming the project is approved by the neighborhood. She observed it is cheaper and easier to install these items during construction.

Councilor Chavez asked if the recycled asphalt can be used for speed tables. Mr. Romero believes it can, and staff can look into this. There is also the cost of striping and signage that are associated with speed tables. Chair Heldmeyer said those should be included in the costs to the neighborhood.

Councilor Chavez asked Mr. Romero to address the structural issue of constructing speed humps or tables with recycled asphalt. Mr. Romero said the recycled asphalt is hot when it is laid down.

Mr. Romero said he will be meeting with the Northeast neighborhood on September 18th and there are many that want their roads paved and have a problem with the 80%. He said they will be in attendance in the future to speak to that issue. Chair Heldmeyer said she doesn't want that changed to a lower number. For the City to spend money and assess a neighborhood, she wants a high percentage.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer that the request be approved.

DISCUSSION: Councilor Chavez said the traffic calming is a separate issue and he believes the neighborhood needs to stand in line with the other neighborhoods. He favors the 80% as well. He doesn't want to unravel the traffic calming and other street paving projects.

Chair Heldmeyer said this will go through committees and can be amended by other Councilors.

Casey Clendennen, 148 W. Zia Road, said the neighborhood would never asked to be placed at the head of the traffic calming list. They are under the impression that traffic calming would be a part of the process, and that was presented to the people polled in the neighborhood, as well as the possibility of placing stones at curves without the signage and striping. She said they were unable to get a clear policy especially on the 80%. Chair Heldmeyer said the 80% is very clear. She said Councilor Chavez was saying that a different percentage is required for traffic calming (60%) than for paving roads which is 80%. Ms. Clendennen said that is fine. She is glad there will now be a written policy because there were other areas where it was unclear.

Mr. Romero said because it is voluntary, staff is only asking approval from the people who have an address on the street. If it was an assessment district, anybody using the road for access would be assessed. However, this is voluntary. He recommends polling only people who live on the street. He said in this case some of the people who don't live on the street are supporting the project.

Chair Heldmeyer suggested language be added in Section 2, line 6, "...property owners on the street that is being proposed for paving in the neighborhood..."

Mr. Romero said recently there have been huge requests, and he is concerned that in the future there may be more requests than asphalt and funds, and asked if there should be a prioritization based on volumes, and so forth.

Chair Heldmeyer said this should be included in the policy. She suggested that this issue be delayed for two weeks so staff can make the changes suggested this evening. She asked if this will slow the progress of the neighborhoods. Mr. Romero said it will not. He will distribute the proposed Resolution to the Northeast neighborhood at the meeting. Chair Heldmeyer would

like it distributed to the people in Sol y Lomas as well. She wants to make this as clear as possible.

MOTION: It was moved by Councilor Chavez, seconded by Councilor Pfeffer that the issue be postponed to the next Public Works Committee meeting for staff to work on language for prioritization and any other language changes that may be needed.

DISCUSSION: Councilor Pfeffer said he isn't sure that direction in terms of streets rather than neighborhoods is a good idea. He would rather staff determine what a neighborhood really means because others are impacted by paving.

Councilor Chavez agrees somewhat, but this is a problem to staff because of the resistance to an assessment district.

Mr. Romero said assessment districts are very expensive. It is necessary to do an assessment prior to, and after the improvement, which is how the assessment is calculated. Since this is voluntary this is why it has been limited to the residents of the street.

Chair Heldmeyer said there are very strong opinions on paved vs. unpaved, and it is very street specific, for example one portion of Lupita wants paving and the other doesn't. This is in part because of the level of traffic experienced near Old Pecos Trail, and many people want the dirt roads and the rural appeal, others hate the dirt roads, the dust and everything about dirt roads. She doesn't think the City should spend money on things the people hate and why she favors the 80%. She said with regard to assessment districts, the City builds curb, gutter and sidewalk which makes it more expensive, but sometime causes a problem with what the people see as the rural feel of their streets.

Councilor Chavez said there is no difference in the function of a street with or without curb and gutter in terms of traffic, but the curb and gutter are for stormwater and the sidewalks add a safety feature for pedestrians. Mr. Romero agreed saying most neighborhoods don't want these amenities.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

Chair Heldmeyer asked that a draft of the Resolution be distributed to the neighborhoods which have applied for funding and those neighborhoods in District 1 which haven't been approved and summarize the issues and get their comments.

16. REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – SENIOR, PARA-TRANSIT AND PARKING SERVICES FOR CITY/COUNTY RESIDENTS; COUNTY OF SANTA FE. (KATHRYN RAVELING)

Memorandum dated August 26, 2003, with attachments, to the Finance Committee, from Jim Romero, City Manager, is incorporated herewith to these minutes as Exhibit "12."

MOTION: It was moved by Councilor Pfeffer, seconded by Councilor Chavez [for purposes of discussion] that the request be approved.

DISCUSSION: Councilor Chavez asked if there is anything different in the MOU. Ms. Raveling said staff is looking at actual costs for the seniors and the parking, including the rate increase. This is a retro contract. The paratransit is different. She noted at Finance that there is concern by both the City and County that there not be a great impact on the budgets, and that in the future in negotiating another contract that the actual costs be examined for paratransit.

Chair Heldmeyer said these aren't actual costs for Seniors for fiscal years prior to this one. Ms. Raveling said these are actual figures for Seniors for each of the prior years. Chair Heldmeyer asked about this fiscal year for paratransit. Ms. Raveling said it is a little lower for paratransit.

Chair Heldmeyer asked why we couldn't get the same deal for paratransit. Ms. Raveling said part of the negotiation also included the jail, and the County wanted to propose some significant increases on the jail. It was just a matter of the negotiations, and it wasn't easy.

Ms. Raveling said the City Manager has a commitment to keep working on this to see if we can come up with a four-year agreement. Chair Heldmeyer said the jail agreement is for more than one year. Ms. Raveling said it was a multi-year agreement.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

16. RAIL TRAIL GRANT JOINT POWERS AGREEMENT

- A. REQUEST APPROVAL OF THE JOINT POWERS AGREEMENT PROVIDING A \$238,364.00 RECREATIONAL TRAILS PROGRAM (RTP) GRANT TO BUILD A SECTION OF THE RAIL TRAIL BETWEEN SIRINGO ROAD AND ST. MICHAEL'S DRIVE.**
- B. REQUEST APPROVAL TO TRANSFER CIP REALLOCATION FUNDS IN THE AMOUNT OF \$59,591 TO THE RAIL TRAIL BUSINESS UNIT TO PROVIDE THE LOCAL MATCH FOR THE RTP GRANT.**

(ROBIN ELKIN)

Memorandum dated August 28, 2003, for PW meeting of September 8, 2003, with attachments, to the Public Works and Land Use Committee, from Robin Elkin, MPO Supervisor Planner, is incorporated herewith to these minutes as Exhibit "13."

Mr. Elkin said the JPA Agreement won't be in effect without the match.

Councilor Pfeffer said Attachment A, page 8, indicates a preferred option and an alternative option, and asked what is being requested.

Mr. Elkin said this is a request for the project cost estimate. There are two options which would require slightly more money. It is likely that the grant will cover the entire project, even the alternative option, but we won't know until these are put out to bid.

Chair Heldmeyer said the preferred option is also the cheaper option. Mr. Elkin said this is correct.

Mr. Elkin said the request is the amount in the grant, and we will purchase what we can with those funds.

Chair Heldmeyer said this is correct, but in addition, B requests transfer of CIP reallocation for the City's local match. Mr. Elkin said this is correct.

MOTION: It was moved by Councilor Pfeffer, seconded by Councilor Chavez that the request be approved.

DISCUSSION: Chair Heldmeyer likes the trestle bridge and it is one of the best pieces of industrial architecture in the City. Mr. Elkin said it will be retained in either case.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

**16. TRANSPORTATION AND COMMUNITY SYSTEMS PRESERVATION
PILOT PROGRAM (TCSP)
A. REQUEST APPROVAL OF THE REVISED GRANT AGREEMENT
EXTENDING THE EFFECTIVE DATE OF THE \$200,000
TRANSPORTATION AND COMMUNITY SYSTEMS PRESERVATION
PILOT PROGRAM. (TCSP)
(ROBIN ELKIN)**

Memorandum dated August 28, 2003, for PW meeting of September 8, 2003, with attachments, to the Public Works and Land Use Committee, from Robin Elkin, MPO Supervisor Planner, is incorporated herewith to these minutes as Exhibit "14."

Mr. Elkin said the project originally focused on the Solano Shopping Center, but staff was not able to implement the specific issues related to the Shopping Center. Staff is working with the adjoining neighborhoods, and expanded into Alto.

Chair Heldmeyer said the shopping center should take advantage of what is being done to reorient some things in the shopping center. One of those is a lack of access from the neighborhoods to the shopping center. Mr. Elkin said they tried to implement that project but couldn't get a commitment from the shopping center owner.

MOTION: It was moved by Councilor Pfeffer, seconded by Councilor Chavez, that the request be approved.

DISCUSSION: Chair Heldmeyer asked if the median islands are those already being installed. Mr. Elkin said this is correct and they are installed. Chair Heldmeyer said then there was plenty of public hearing on the median islands. Mr. Elkin said there was, noting he sent out 1,949 letters to the neighbors on which he personally put the labels and postage.

VOTE: There being no dissenting or abstaining votes, the motion carried unanimously.

21. MATTERS FROM THE COMMITTEE

Councilor Chavez asked Mr. Lujan if he understands, and is comfortable with, the direction about the green waste and the transfer station, the landfill station and such. Mr. Lujan said he is, and he will get an answer on whether this can be done administratively or if it requires Council action and report back to Councilor Chavez.

Councilor Chavez said if an emergency needs to be declared to get this on the Wednesday Council agenda he would like that to be done.

21. NEXT MEETING: MONDAY, SEPTEMBER 22, 2003

21. ADJOURN

There being no further business to come before the Committee, and the Committee having completed its agenda, it was moved by Councilor Chavez seconded by Councilor Pfeffer, that the meeting be adjourned. The motion carried unanimously, and the meeting was adjourned at 8:15 p.m.

Karen Heldmeyer, Chair

Melessia Helberg, Stenographer